

IN SENATE OF THE UNITED STATES.

MAY 15, 1848.

Submitted, and ordered to be printed.

Mr. WESTCOTT made the following

REPORT:

[To accompany bill S. No. 265.]

*The Committee on Patents and the Patent Office, to whom was referred the petition of Obed Hussey, report:*

That, on the 31st of December, 1833, the petitioner obtained letters patent for a "new and useful improvement, being a machine for reaping and cutting all kinds of grain." This patent expired December 31, 1847. On the 20th day of December, 1847, he applied to the board of extension for a renewal and extension of his patent under the act of July 4, 1836. The board had established a rule, under the opinion of the Attorney General, that all such applications should be made at least *sixty* days before the expiration of the patent, in order that the notice required by the act might be given. His application was made but eleven days before the expiration of his patent, and, consequently, he could not give the notice; and the board refused to act on his application, as appears by the letter of the commissioner to the chairman of the committee, dated April 6, 1848, filed with the papers in the case. Mr. Hussey alleges his entire ignorance of this rule, and of the decision or opinion of the Attorney General above stated, as his excuse for not applying in due season to the board. The act does not, *in terms*, require such notice; and, as in other cases heretofore reported upon of like character, the committee doubt not that the petitioner may have been misled by the phraseology of the statute; and they regard it as a satisfactory excuse for his omission. In this case, it is the more satisfactory, as the committee do not entertain the least doubt that Mr. Hussey was entitled to, and would have obtained an extension of his patent, had he applied in time to give the notice.

The committee are satisfied that the petitioner's invention is of great value and public utility. The evidence on this point is of the most convincing character. It is to be found in the papers of which a list is annexed to this report.

As to the patentee's profits received for his invention, the evidence is equally satisfactory that, without any fault of his own, the

patentee has not received adequate reward for his invention. Indeed, it appears he is quite a poor man, and has devoted several years to his invention, and that it has but recently attracted any extensive public attention. A contest was recently made before the Patent Office as to his being the true inventor of the machine, but it was decided in his favor, to the full extent that Mr. Hussey claimed, and as the committee do not doubt, correctly.

The petitioner applies for a renewal and extension of his patent for *fourteen* years. The committee regarding his case as one of the most meritorious that has been presented at this session, report a bill for its extension for *seven* years, on payment of the regular fees at the Patent Office, and providing for the protection of those who now enjoy the lawful use of the machine, and also that the renewed patent shall have no more force or effect than if it had been granted by the board, under the act of 1836, before the original patent expired.

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*List of papers filed in the case of Obed Hussey.*

1. Petition presented to the Senate February 7, 1848.
2. Original patent specifications and drawings, dated December 31, 1833, "for reaping and cutting all kinds of grain," expired December 31, 1847.
3. Letter of E. Burke to Hon. J. D. Westcott, junior, April 6, 1848.
4. Deposition of Chauncey P. Holcombe, January 28, 1848.
5. Letter from Chauncey P. Holcombe to Hon. J. D. Westcott, January 28, 1848.
6. Affidavit of Thos. F. Foxall, January 31, 1848.
7. O. Hussey to Hon. J. M. Clayton, April 1, 1848.
8. Letter from Thos. D. Warner, Edenton, N. C., January 25, 1848, to editor of American Farmer.
9. Affidavit of Obed Hussey, February 1, 1848.
10. Obed Hussey to Hon. John M. Clayton, February 14, 1848.
11. Petition of the Agricultural Society of Newcastle, Delaware, and others, in favor of the extension of his patent.
12. Similar petition from same.
13. Transactions of the Agricultural Society of Delaware, 1846; pages 29, 30.
14. American Farmer for October, 1847; pages 104, 105.
15. Printed advertisements and recommendations by Obed Hussey, 1845.
16. Petition of C. H. McCormick against the extension of the patent.
17. Affidavit of Benjamin D. Chenoworth, Baltimore, April 4, 1848.
18. Affidavit of Robert Sinclair, junior, April 5, 1848.
19. do. George Everhart, do.

20. Affidavit of George Schroerer, April 5, 1848.

21. do. Bryan Jackson and John Jones, April 15, 1849.

22. Sworn and duly certified statement and account of Mr. Hussey, showing the inadequacy of the remuneration derived from his invention.

23. Certificate of Mr. Hussey's good character and credibility, by Samuel Sands, editor of the American Farmer, dated April 18, 1848.

24. Certificate of the respectability and credibility of Mr. Hussey, by J. J. Speed, esquire, of Baltimore, April 17, 1848.

25. Certificate to same effect, by William Proctor, esquire, of Baltimore, same date.

26. Sworn statement of Mr. Hussey as to the *original* points claimed by him in his machine, and points that are public and common to all such machines.

27. Plate of, and directions for using Mr. Hussey's machine.

30. *Albion* of George Scherer, April 6, 1818.

The following is a list of the names of the persons who have been admitted to the membership of the Association since the last meeting. The names are given in the order in which they were admitted, and are followed by the date of admission. The names are given in full, and are not abbreviated. The names are given in the order in which they were admitted, and are followed by the date of admission. The names are given in full, and are not abbreviated.